

other had to do with whether or not he is apt to be a harm to his community, or public peace, whatever that is. I suggest to you that if we assume as we are supposed to assume that he did not do that which he has been accused of doing, there would be very little doubt in most of our minds as to whether or not he should be allowed to remain free until he is tried. I like the sense of this amendment.

The part I do not like is the part about public peace. I disagree with Judge Child and I disagree apparently with some members of this Convention who earlier moved to strike the right of bail from the Maryland Constitution, as it was then composed. I suggest to you very simply that if you believe that a man in this country—a free man, not a liberal, as some of us call ourselves, not a conservative, as some of us call ourselves, but a free man, as most of us choose to call ourselves—is not convicted in these United States until he has had his trial and until someone has found him guilty, not just a judge in whose discretion we wish to place his bail, but the jury and the judge, you would not find it proper to allow a judge, a man like the rest of us, to decide whether or not the man who has been accused is going to be a harm to his community. I believe that any man in this country, until he is convicted, is entitled to be free, and there is only one reason for keeping him in jail, and that is, that he may not be at the trial at the time we come to try him.

I will vote against this amendment. At a later date when it is appropriate I will move to reconsider this matter. I do not think I would like to tamper with the ten commandments and I would not tamper with the Bill of Rights. Nothing in the constitution gives you a right to bail. You are talking about this kind of bail. I understand some delegates said, do not worry about it, it is taken care of in other places. I hope someone will show me where else in the constitution is shows you have a right to bail. If someone does I will remove my objection. Otherwise, this is the place to put a right to bail in the constitution.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 16. A vote Aye is a vote in favor of the amendment.

Delegate Child.

DELEGATE CHILD: A point of order. There was a motion to reconsider.

THE CHAIRMAN: No. Delegate Dukes gave notice that he intended at a later date to make a motion to reconsider. The question arises upon the adoption of Amendment 16. A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your votes.

Has every delegate voted?

Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 20 votes in the affirmative and 92 in the negative, the motion fails. The amendment is rejected.

Delegate Dukes.

DELEGATE DUKES: Mr. Chairman, will the Chair advise me when it will be appropriate to move to reconsider the earlier vote?

THE CHAIRMAN: We may reconsider it now or at any earlier date when this article is under consideration.

DELEGATE DUKES: I would move to reconsider it now.

THE CHAIRMAN: You are moving to reconsider the vote by which Amendment No. 12 was adopted?

DELEGATE DUKES: I believe that is correct, Mr. Chairman.

THE CHAIRMAN: It is moved that the vote by which Amendment 12 was adopted be reconsidered. Is there a second?

*(Whereupon, the motion was duly seconded.)*

THE CHAIRMAN: The Chair recognizes Delegate Dukes to speak to the motion.

DELEGATE DUKES: Mr. Chairman, I think I have already stated the bulk of what I had to say. I reiterate the principle very simply: if we believe that you are not convicted until you have had a trial, then it seems to me we must also believe that you should not have to sit in jail and cool your heels because some judge thinks you might be guilty. Regardless of what the members of the bench may say I suggest to you there is no other reason that a judge keeps a man sitting in jail. There is one possible other reason, and that is he thinks he is a bad man for some other reason. Surely none of us would go so far